

OFFICIAL COPY

Fresno, California

March 23, 1999

The City Council met in joint session with the Redevelopment Agency at the hour of 8:43 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Ken Steitz	President
Absent:	Dan Ronquillo	Councilmember (Out of town/death in family)

Jeff Reid, City Manager
Dan Fitzpatrick, Agency Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

MOMENT OF SILENCE IN MEMORY OF CHAIR RONQUILLO'S SISTER,)
SOFIA RONQUILLO)

Vice Chair Perea advised Chair Ronquillo's sister passed away and requested a prayer from Pastor Johnson and a moment of silence in her memory.

APPROVE AGENCY MINUTES OF MARCH 16, 1999)

On motion of Councilmember Bredefeld, seconded by President Steitz, duly carried, RESOLVED, the Agency minutes of March 16, 1999, approved as submitted.

("A") REPORT TO AND RECEIVE DIRECTION FROM THE AGENCY AND)
AND COUNCIL RELATIVE TO A REQUEST FOR QUALIFICATIONS (RFQ))
FROM POTENTIAL DEVELOPERS TO DEVELOP AN URBAN, UPSCALE HIGH)
RISE HOTEL/MEETING CENTER AT 808 "M" STREET (OPHELIA PROPERTY))

Redevelopment Administrator Murphey stated the issue was before the joint bodies due to prior direction of the Council and the Hotel Task Force to draft an RFQ for the proposed project; noted the RFQ was contained in Council's packet and briefly highlighted provisions; and along with Director Fitzpatrick, responded to questions of Acting President Mathys relative to extent of City assistance and reason for the City's involvement in the project. Acting President Mathys stated although he supported a hotel his concern was the City participating financially and subsidizing a private venture stating the owner should build the hotel based on its own merits and on whether the market would support it.

for removing buildings from the site, parking, timeline, and exclusivity. A motion of President Steitz to issue the RFQ was seconded and acted upon after additional discussion.

At the request of Councilmember Bredefeld, Mr. Fitzpatrick highlighted the City’s participation in the Radisson and Double Tree hotels, with Councilmember Bredefeld requesting that information be included in a staff report. Ms. Murphey advised of a correction for the record in the RFQ which was so noted.

Mr. Fitzpatrick responded to questions of Councilmember Quintero relative to not entertaining any proposal requesting financial assistance and making that clear up front, with Mr. Fitzpatrick clarifying the provision was left open for negotiation purposes. Ms. Murphey reiterated the RFQ specified the City would consider assistance if necessary and was not making any commitments. Upon further question, City Attorney Montoy confirmed there would be no pre-commitment on the part of the City which was not the case with the prior proposal. Mr. Fitzpatrick and Economic Development Coordinator Webster responded to additional questions relative to linkage of the hotel to the exhibit hall; responsibility for cost; number of entrances from the hotel to the hall and responsibility for those costs

On motion of President Steitz, seconded by Councilmember Boyajian, duly carried, RESOLVED, staff directed to issue the RFQ for the solicitation of potential developers to develop an urban, upscale high rise hotel/meeting center, by the following vote:

Ayes : Boyajian, Bredefeld, Quintero, Steitz, Perea
Noes : Mathys
Absent : Ronquillo

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The joint bodies adjourned at 9:12 a.m. and the City Council convened in regular session.

Pastor G.L. Johnson, The Peoples Church, gave the invocation.

Mr. Len Ross led the Pledge of Allegiance to the Flag.

PRESENTATION OF CERTIFICATES OF RECOGNITION TO CENTRAL)
UNIFIED SCHOOL DISTRICT’S SCIENCE AND ENGINEERING FAIR)
DIVISION WINNERS - COUNCILMEMBERS RONQUILLO, COUNCIL-)
MEMBER BOYAJIAN AND ACTING PRESIDENT MATHYS)

Presented. (2 - 0)

*Visiting students from Sun Empire Elementary School were recognized and welcomed.

PRESENTATION OF AWARDS TO STUDENTS FROM CARDEN PRIVATE)
SCHOOL - COUNCILMEMBER BREDEFELD AND ACTING PRESIDENT)
MATHYS)

Presented.

SPECIALIST PETER DERN)

Read and presented.

PROCLAMATION OF GENIE OLSON DAY - ALL COUNCILMEMBERS)

Read and presented.

PROCLAMATION OF LEN ROSS DAY - ALL COUNCILMEMBERS)

Read and presented.

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APPROVE COUNCIL MINUTES OF MARCH 16, 1999)

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the minutes of March 16, 1999, approved, as amended on Page 133-151, 4th paragraph, adding the underlined word to the last sentence as follows: "Councilmember Bredefeld stated for that reason and without staff successfully addressing the other concerns..."

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APPROVE AGENDA:

REQUEST FOR UPDATE ON DOWNTOWN STADIUM AND OUTSTANDING)
ISSUES - PRESIDENT STEITZ)

City Attorney Montoy stated the issues of revenue sharing and ACA's position relative to the City's third deed of trust were still on the table; advised an invitation to proceed with meetings this date were declined on the basis that the two outstanding issues be resolved before moving forward; and stated she had received a message that the Diamond Group and ACA had been meeting and the issues were being worked out.

President Steitz stated he had heard reports the Mayor and City Manager were hindering negotiations and requested a written memo from the City Attorney as to whether that was the case.

COMMENDATION TO IRENE FLORES, PUBLIC WORKS DEPARTMENT,)
FOR HER CITY SERVICE AND HER RETIREMENT AT THE END OF THE)
MONTH - COUNCILMEMBER QUINTERO)

Commendation made.

REQUEST FOR FURTHER CLARITY ON OUTSTANDING STADIUM ISSUES -)
COUNCILMEMBER QUINTERO)

requested the issues, in terms of weakening the City's position, be clearly expanded upon and included in the memo requested earlier by President Steitz. Acting President Mathys requested a report on utilizing the city's fire stations as collateral. President Steitz stated he would schedule the issue on the next agenda to make clear the City was not hindering the financing.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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ADOPT CONSENT CALENDAR:

DIRECT STAFF TO SCHEDULE ON 4/6/99, AGENDA: REQUEST FOR LIST)
OF ALL VACANT CITY POSITIONS - COUNCILMEMBER PEREA)

Direction made.

(1A-1) AWARD A CONTRACT TO MUNICIPAL MAINTENANCE EQUIPMENT,)
INC. IN THE AMOUNT OF \$113,538.33 FOR SIX (6) NEW PARKING ENFORCE-)
MENT VEHICLES)

(1A-2) DECLARING SURPLUS EQUIPMENT; AUTHORIZE THE PURCHASING)
MANAGER TO DISPOSE OF THE SURPLUS EQUIPMENT IN CONFORMANCE)
WITH SECTION 3-202 OF THE FRESNO MUNICIPAL CODE)

(1A-3) *RESOLUTION NO. 99-76 - ORDERING THE SUMMARY VACATION)
OF A PORTION OF FULTON AVENUE BETWEEN MILDREDA AND FREEWAY)
180 AND A PORTION OF MILDREDA AVENUE EAST OF FULTON AVENUE;)
AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE QUIT-)
CLAIM DEEDS IN FAVOR OF THE ADJACENT OWNERS FOR THE AREAS)
TO BE VACATED)

(1A-4) APPROVE AGREEMENT WITH THE CITY OF CLOVIS FOR THE)
CONSTRUCTION OF A COMMUTER BIKE AND PEDESTRIAN TRAIL)
ON THE FORMER SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY;)
AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON)
BEHALF OF THE CITY)

(1A-7) APPROVE ALIGNMENTS AND WIDTHS OF PROPOSED PUBLIC)

STREETS FOR AN INDUSTRIAL DEVELOPMENT PROPOSED BY DON)
PICKETT AND ASSOCIATES ON THE WEST SIDE OF N. VALENTINE)
AVENUE BETWEEN W. SHAW AND W. ASHLAN AVENUES; AND)
AUTHORIZE THE PUBLIC WORKS DIRECTOR TO APPROVE MINOR)
MODIFICATIONS TO THE PROPOSED STREET ALIGNMENTS AND)
WIDTHS AS MAY BE DEEMED NECESSARY AND APPROPRIATE)

(1A-8) APPROVE CARGO LEASE AND AGREEMENT, AND ADDENDUM)
THERETO, WITH FEDERAL EXPRESS CORPORATION (FedEx); AND)
AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE)
THE LEASE AGREEMENT AND ADDENDUM ON BEHALF OF THE CITY)

(1A-9) AWARD A CONTRACT TO DECKER FORD IN THE AMOUNT OF)
\$307,669.35 FOR FIFTEEN (15) NEW FORD F250 PICKUP TRUCKS)

(1A-10) AUTHORIZE DISPOSAL OF SURPLUS BUSES; AUTHORIZE THE)
PURCHASING MANAGER TO DISPOSE OF THE VEHICLES IN ACCOR-)
DANCE WITH FRESNO MUNICIPAL CODE SECTION 3-202)

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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TIME EXPENDED ON COMMENDATIONS, RESOLUTIONS, ETC. - PRESIDENT)
STEITZ)

President Steitz advised he would be sending a memo to Council on the amount of time being expended in presenting ceremonial items stating the time taken earlier was way too long.

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(9:30 A.M. #1) HEARING ON REZONING APPLICATION NO. R-99-01, FILED)
BY WILLARD EISNER, PROPERTY LOCATED ON THE SOUTH SIDE OF E.)
TULARE BETWEEN S. FIRST AND FREEWAY 41)
1. BILL NO. B-14 - ORDINANCE NO. 99-12 - AMENDING THE OFFICIAL ZONE)
MAP TO REZONE FROM THE C-M TO C-6 ZONE DISTRICT)

President Steitz announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Wahlenmaier briefly reviewed the staff report as submitted.

President Mathys, Mr. Wahlenmaier stated the existing use was a mortuary.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the Negative Declaration as determined pursuant to Environmental Assessment No. TPM-9819/R-99-01/V99-02 hereby approved; and the above entitled Bill No. B-14 adopted as Ordinance No. 99-12, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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(9:30 A.M. #2) HEARING TO CONSIDER REPEALING THE OFFICIAL)
PLAN LINE (OPL) FOR W. GETTYSBURG AVENUE BETWEEN N.)
VALENTINE AND N. BRAWLEY AVENUES, AND CONSIDER A)
NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT)
NO. TPH-98-21)
1. BILL NO. B-15 -ORDINANCE NO. 99-13 - REPEALING THE OPL FOR)
W. GETTYSBURG BETWEEN N. VALENTINE AND N. BRAWLEY AVENUES)

President Steitz announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. TPM-98-21 hereby approved; and the above entitled Bill No. B-15 adopted as Ordinance No. 99-13, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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(9:45 A.M.) PRESENTATION BY WERNER LIPTON, FRESNO AREA)
CITIZENS FOR EFFECTIVE TRANSPORTATION SYSTEMS (FACETS) -)
COUNCILMEMBER QUINTERO)

Councilmember Quintero noted state monies allocated to Fresno would be ending and the subject proposal would support rolling those funds over to continue to assist the area, and introduced Mr. Lipton for the presentation.

Mr. Lipton noted Measure "C" funding would expire in the year 2006; **(3 - 0)** reviewed their proposed successor to Measure "C", the Fresno County Transportation Measure; and requested Council (1) adopt a resolution in support of the measure, and (2) urge COG staff to begin planning for a transportation system and prepare applications for grants. President Steitz advised Council could not take any action this date due to the issue being scheduled as a presentation only.

Executive Director, Chamber of Commerce; and Joni Johnson, Fresno Neighborhood Alliance.

Council commended FACETS for their efforts and on the proposal, and lengthy discussion ensued with Council expressing their views and ideas for an effective transportation system and on the need to begin debating the issue. City Manager Reid commented on the issue and stated all proposals would need to go through COG and that everyone needed to work together in a collaborative fashion.

Discussion ensued on obtaining Council consensus to provide some direction, whereupon at Councilmember Quintero's suggestion, President Steitz agreed to meet with FACETS as the City's representative on COG. In response to a statement made by Mr. Dean, Mr. Lipton clarified their proposal had been sent to the Chamber of Commerce 6 to 8 months ago, and stated although they would work with COG, Council's support of the proposal was necessary. Brief discussion ensued and President Steitz stated he would meet with Mr. Lipton and move forward to build consensus.

Tony Boren, COG, reaffirmed COG's commitment to an inclusive, pro-active public planning process and stated they were more than willing to meet with FACETS, and commented briefly on legislation relative to funding. There was no further discussion.

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(10:00 A.M.) HEARING TO CONSIDER TEXT AMENDMENT NO. TA-98-03)
RELATING TO CAR WASH FACILITIES)
1. CONSIDER APPEAL OF THE FINDING OF THE NEGATIVE DECLARATION)
PREPARED FOR ENVIRONMENTAL ASSESSMENT NO. TA-98-03)
2. ADOPTING NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESS-)
MENT NO. TA-98-03)
3. BILL NO. B-16 - AMENDING ARTICLE 2, CHAPTER 12, OF THE FRESNO)
MUNICIPAL CODE RELATING TO CAR WASH FACILITIES)
4. BILL NO. B-17 - ALTERNATE - REQUIRING A NOISE STUDY)

President Steitz announced the time had arrived to consider the issue and opened the hearing. Planner Beach reviewed the proposed text amendment as outlined in the staff report, clarified noise studies would be conducted on an as needed basis, and recommended the appeal filed by the Woodward Park Homeowners Association be denied and the amendment introduced.

Speaking to the issue were: Robert Rosati, Woodward Park Homeowners Association, who stated their support for the text amendment with the modifications and withdrew their appeal; Joni Johnson, Fresno Neighborhood Alliance, support with modifications; and **(4 - 0)** Sue Williams, Sunnyside Property Owners Association, who requested noise studies be required.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Extensive discussion ensued with Mr. Beach, Mr. Rosati and Ms. Williams responding to Council questions relative to noise complaints and enforcement process, car washes allowed on less than 5 acres, zone districts which do and do not require a CUP, opposition from neighborhood groups, basis for the appeal filed, CUP process, and noise studies. Upon question of Councilmember Perea, Planning Manager Yovino stated a requirement for a noise study could be added to the ordinance or could be accomplished through Council policy direction. Councilmember Perea made a motion to approve staff's recommendation, as amended, with an added provision to require a noise study.

Brief discussion ensued with Mr. Beach responding to additional questions relative to existing non-conforming car washes, noise studies undertaken, use of those studies, and additional cost to the developer for a study. Councilmember Boyajian made a substitute motion to introduce the ordinance as presented by staff stating the issue of noise studies was already in place. President Steitz recommended both the original ordinance and Councilmember Perea's alternate be introduced this date.

On motion of Councilmember Boyajian, seconded by President Steitz, duly carried, RESOLVED, the appeal of the Negative Declaration prepared for Environmental Assessment No. TA-98-03 hereby denied; the Negative Declaration prepared for the project approved; and the above entitled Bill Nos. B-16, as presented by staff, and alternate B-17 requiring a noise study, introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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(10:30 A.M.) HEARING ON PLAN AMENDMENT NO. A-98-25, FILED BY)
THE CITY OF FRESNO, TO CHANGE THE LAND USE DESIGNATION FOR)
VARIOUS PARCELS WITHIN THE TOWER DISTRICT SPECIFIC PLAN AREA)
1. RESOLUTION NO. 99-77 - AMENDING THE FRESNO HIGH-ROEDING)
COMMUNITY PLAN)
2. BILL NO. B-18 - ORDINANCE NO. 99-14 - AMENDING THE TOWER)
DISTRICT SPECIFIC PLAN)

President Steitz announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Beach briefly reviewed the staff report as submitted. Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Boyajian, seconded by Councilmember Perea, duly carried, RESOLVED, the finding of the Negative Declaration prepared for Environmental Assessment No. A-98-25 hereby approved, the above entitled Resolution No. 99-77 adopted, and the above entitled Bill No. B-18 adopted as Ordinance No. 99-14, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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(11:00 A.M. #1) CONTESTED CONSENT CALENDAR ITEMS:

(1A-5) *RESOLUTION NO. 99-78 - 12TH AMENDMENT TO SALARY RES. 98-161)
AMENDING THE SALARY RANGES OF TWO CLASSES, RETITLING ONE)
EXISTING CLASS, AND CREATING THREE NEW CLASSES)

Councilmember Perea requested the union's opinion on whether the meet and confer process had been completed relative to the fire inspection positions noting staff had stated meet and confer had been met, with Mike Schmidt, Senior Fire Inspector, and Gene Zimmerman, FCEA, responding it had not and explained, and recommended the matter be sent to the negotiating table where it belonged. A motion and second to delete Item 1 of the staff report (fire positions) and approve Items 2 and 3 was acted upon after brief discussion on time needed to resolve the issue and report back to Council.

City Manager Reid questioned if Council wanted to hear staff's position on the matter, and by request of President Steitz, Labor Relations Manager Aguiniga responded to allegations made and read into the record a letter dated 1/13/99, sent to Mr. Zimmerman on the meet and confer process undertaken. Upon question of Councilmember Perea, Mr. Aguiniga advised the letter was written by himself based upon the negotiation process that had been undertaken and on his involvement in prior litigation. Upon further question of Councilmember Perea, City Attorney Montoy advised her office had been in the process of giving Labor Relations a legal opinion on the matter and was told by Labor Relations it was not needed to proceed.

(5 - 0) On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-78 hereby adopted, **as amended**, deleting and tabling Sections 4, 5 and 6 of the Resolution relative to Fire Department positions (Item 1 of the staff report) to May 4, 1999, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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(1A-6) APPROVE TRAFFIC STUDY FOR VAN NESS AND WISHON/FULTON)
BETWEEN DIVISADERO AND MCKINLEY AVENUES)

Upon question of Councilmember Boyajian, City Manager Reid advised study costs relative to converting Van Ness to a two way street would be \$150,000. Councilmember Boyajian requested the issue be tabled for Councilmember Ronquillo's presence.

On motion of Councilmember Boyajian, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled matter tabled to April 6, 1999, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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(1A-11) *RESOLUTION NO. 99-79 -15th AMENDMENT TO PAR 98-160 ADDING)
ONE POSITION IN THE DEPARTMENT OF ADMINISTRATIVE SERVICES)

Councilmember Perea stated he was not denying the department needed the position, advised of his position that every vacant position he could find would go towards code enforcement as discussed at a prior meeting, requested staff look at reorganizing current positions and work, stated he could not support creating a new position and funding it in the next fiscal year, and made a motion to deny the resolution. City Manager Reid stated the position was necessary to provide services and urged Council to approve the resolution.

A motion of Councilmember Perea, seconded by Councilmember Boyajian, to deny the resolution failed, by the following vote:

Ayes	:	Boyajian, Perea
Noes	:	Bredefeld, Mathys, Quintero, Steitz
Absent	:	Ronquillo

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 99-79 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Steitz
Noes	:	Perea
Absent	:	Ronquillo

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(11:00 A.M. #2) HEARING ON PLAN AMENDMENT NO. A-98-22 AND)
REZONING APPLICATION NO. R-98-36, FILED BY ROBERT AND LOIS)
JOHNSON, PROPERTY LOCATED ON THE NORTH SIDE OF E. MCKINLEY)
AVENUE WEST OF N. CHESTNUT AVENUE)
1. RESOLUTION NO. 99-80 - AMENDING THE MCLANE COMMUNITY PLAN)
2. BILL NO. B-19 - ORDINANCE NO. 99-15 - AMENDING THE OFFICIAL ZONE)
MAP TO REZONE FROM R-3 TO C-1/CZ)

President Steitz announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Beach briefly reviewed the staff report as submitted.

President Steitz stated his concern was the only access would be through an existing shopping center stating without access to McKinley the property could not be marketed. Mr. Beach reviewed the background of the rezoning request and advised the only way staff could support the request would be development of joint access with the property to the east. President Steitz stated landlocking the site would be pointless and recommended Council approve access to McKinley and that the site plan be brought back to the Planning Commission when development occurs, with the applicant consenting.

Upon call, no one else wished to be heard and President Steitz closed the hearing.

On motion of President Steitz, seconded by Acting President Mathys, duly carried, RESOLVED, the finding of the Mitigated Negative Declaration for Environmental Assessment No. A-98-22, R-98-36 hereby approved, the above entitled Resolution No. 99-80 adopted, and the above entitled Bill No. B-19 adopted as Ordinance No. 99-15 with access to McKinley Avenue approved and a site plan to be brought back to the Planning Commission for review, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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(11:15 A.M.) HEARING ON REZONING APPLICATION NO. R-98-39, FILED)
BY TUTELIAN DEVELOPMENT, 21 ACRES OF PROPERTY LOCATED ON)
THE SOUTHWEST CORNER OF N. BLACKSTONE AND E. NEES AVENUES)
(CONTINUE TO APRIL 6, 1999))

President Steitz advised the time had arrived to consider the issue, opened the hearing, and noted a request to continue. Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the hearing on R-98-39, filed by Tutelian Development, continued to April 6, 1999, at 11:15 a.m., by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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ANNOUNCEMENT OF CLOSED SESSION ITEMS)

President Steitz announced closed session items and set closed session for 2:00 p.m. City Attorney corrected Item **C-6** by adding the name of Jon Thomason.

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LUNCH RECESS - 12:03 P.M. - 2:00 P.M.

CLOSED SESSION:

(A.) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE)
SECTION 54957.6 - EMPLOYEE ORGANIZATIONS: CFPEA AND IBEW)

(B.) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -)
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - SIGNIFICANT)
EXPOSURE TO LITIGATION:)

1. FRESNO CITY EMPLOYEES ASSOCIATION (FCEA) V. CITY OF FRESNO,)
SUP. CT. CASE #608936-1)
2. A.H.D.C. (WELLINGTON) V. CITY OF FRESNO, ET AL)

(C.) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -)
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT)
EXPOSURE TO LITIGATION:)

1. CINDY GIBSON V. CITY OF FRESNO)
2. LOMBARDI LANDSCAPING, INC. V. CITY OF FRESNO)
3. CITY OF FRESNO V. BUREAU OF RECLAMATION (CVP WATER CHARGES))
4. PHILIP LOMBARDI V. CITY OF FRESNO)
5. JOHN LOMBARDI V. CITY OF FRESNO)
6. SCOUT ISLAND/RIVER'S EDGE, JON THOMASON)

The Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above issues and reconvened in regular open session at 4:10 p.m. with Acting President Mathys absent for the remainder of the meeting.

CLOSED SESSION ANNOUNCEMENTS)

City Attorney Montoy announced in the matter of **C-1**, Cindy Gibson, the Council voted 6-0 to deny the leave to present a late claim, with Councilmember Ronquillo absent; and in the matters of **C-2**, **C-4** and **C-5**, Lombardi Landscaping, Philip Lombardi and John Lombardi, the Council voted 6-0 to reject the claims in their entirety with Councilmember Ronquillo absent.

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(4:00 P.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-98-24)
AND REZONING APPLICATION NO. R-98-41, FILED BY CENTRAL PACIFIC)
BUILDERS, INC. AND THE CITY OF FRESNO, FOR APPROXIMATELY 160)
ACRES LOCATED NORTH OF THE E. INTERNATIONAL AVENUE ALIGN-)
MENT BETWEEN THE ALIGNMENTS OF N. MAPLE AND N. MILLBROOK)
AVENUES)
1. **RESOLUTION** - AMENDING THE WOODWARD PARK COMMUNITY PLAN)
AND THE FRESNO GENERAL PLAN)
2. **BILL** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20)
(COUNTY) TO R-1/UGM/CZ)

President Steitz announced the time had arrived to consider the issue and opened the hearing.

Supervising Planner Beach submitted a revised resolution and a letter from Clovis Unified School District stating the District had no objection to the dual designation of the site, a copy of which is on file in the office of the City Clerk; reviewed the staff report as submitted; noted an appeal had been filed by the Woodward Park Homeowners Association and advised each concern had been addressed over the last 10 years; and recommended the appeal be denied and the mitigated negative declaration, plan amendment and rezone application be approved.

Gary Giannetta, Project Engineer, Central Pacific Builders, stated the application conformed to the Woodward Park Community Plan and requested approval.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Mr. Beach responded to questions of Councilmember Bredefeld at length relative to number of other large developments previously approved, not transforming the urban reserve until all services were available, groundwater conditions, undeveloped property to the west of the subject site, poor quality and undeveloped roads in the area, and environmental assessment checklist ratings.

Councilmember Bredefeld expressed his concerns with the 160 acre project; stressed this was a major project which would have major impacts and explained; emphasized managed growth meant managing growth stating it was clear the City was continuing to sprawl out; emphasized projects such as these did not have to be approved simply because they were allowed in the General Plan; and made a motion to deny the project, which was later seconded and acted upon.

Mr. Beach and Planning Manager Yovino responded to questions of Councilmember Perea relative to fire protection, mitigating sewer capacity, land use and groundwater conditions; number of homes and residents projected for the project; and migration projections. **(6 - 0)** Councilmember Perea stated he wanted to hear more on the direction of the general plan, stated he did not see the justification for more homes in the area and he could not support the project at this time, suggested delaying the matter for a full Council, and seconded Councilmember Bredefeld's motion to deny the project.

Mr. Yovino stated the purpose of the environmental document was to provide straight forward information, clarified when opening up the reserve was approved it was with the full knowledge that the farmland would be converted to urban use adding it had been fully studied with three environmental impact reports, and advised not all the farmland was classified as prime farm land.

President Steitz expressed his concern with comments made stating talk about urban sprawl was ridiculous, stressed the plan called for homes in the subject area, and stated if the project were to be denied urban sprawl would be encouraged as developers would leave Fresno. Mr. Yovino responded to questions of President Steitz relative to fire safety services and responsibility for cost, conditions of other streets in the area, and reason for setting aside urban reserves. President Steitz stated his opposition to the motion stressing this was not urban sprawl and the use had been in the Sphere of Influence since 1984.

Mr. Yovino and Mr. Beach responded to questions of Councilmember Boyajian relative to County property and annexation process, environmental factors, transportation for the area, approving projects prior to required infrastructure, and recourse if the project were not approved.

Councilmember Bredefeld expressed his concern and reiterated the City needed to manage its growth, stressed this was sprawl contrary to comments made, emphasized there were too many problems at the site, and stated it would be irresponsible for Council to approve the project and reiterated his motion.

Upon request of Councilmember Boyajian, Mr. Yovino and City Attorney Montoy clarified what a “denial without prejudice” meant and responded to questions on the process and required fees.

Gary McDonald, representing Cambridge Homes, stated there was adequate sewer and water in the area; advised if the property was not taken out of the ag reserve there would be no more developable land in the Woodward Park Community Plan; stressed they had already expended over \$1 million on the project; and expressed his surprise and concern at the direction Council was moving in and urged Council to at least continue the hearing for a full Council. Councilmember Quintero stated this was a critical issue and made a substitute motion.

A substitute motion of Councilmember Quintero, seconded by President Steitz, to continue the hearing one week for a full Council failed to become the main motion, by the following vote:

Ayes	:	Quintero, Steitz
Noes	:	Boyajian, Bredefeld, Perea
Absent	:	Mathys, Ronquillo

Councilmember Boyajian clarified his main concern was inadequate infrastructure.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, Plan Amendment A-98-24 and Rezoning Application No. R-98-41 filed by Central Pacific Builders, Inc. and the City of Fresno hereby denied, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea
Noes	:	Quintero, Steitz
Absent	:	Mathys, Ronquillo

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ADJOURNMENT

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There being no further business to bring before the Council, the hour of 5:13 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this _____ day of _____ 1999.

_____ Ken Steitz, Council President	ATTEST: _____ Yolanda Salazar, Assistant City Clerk
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